IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.MC.No. 58 of 2006(B)

CRMP.6047/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
CRIME NO.207/04 OF CHERPU POLICE STATION.

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PETITIONER: ACCUSED:

RAMANCHAND, MANAGING DIRECTOR,
RAMANCHAND FINANCE, C.M. STREET,
SOUKARPET, CHENNAI, TAMIL NADU REPRESENTED BY
ITS POWER OF ATTORNEY HOLDER K. ISMAIL,
S/O. MOIDEEN AMBALERI HOUSE, KARIPPOL DESOM,
THIROOR, MALAPPURAM.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. NIJAS, S/O. SAITHALAVI,
ORUVANTHOD HOUSE, VILAYOOR, PATTAMBI,
PALAKKAD.

BY ADV. SRI.T.K.SHAJAHAN
PUBLIC PROSECUTOR SRI. PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 58 OF 2006

Dated this the 30th day of November, 2006

ORDER

The petitioner had applied before the learned Magistrate for release of a vehicle seized by the police. The application for release was dismissed on the ground that the petitioner was absent. An application seeking for adjournment was filed. The same was rejected and the main petition was dismissed.

2. The petitioner could easily have filed another application for release of the vehicle as there is no order on merits. Surprisingly, the petitioner has chosen to come before this Court with this petition under Sec.482 of the Cr.P.C. I am satisfied that there having been no order on merits, the impugned order can be set aside and the learned Magistrate can be directed to dispose of the petition afresh on merits.

3. This petition is, in these circumstances, allowed. Annexure-C order is set aside. The learned Magistrate is directed to dispose of the petition afresh in accordance with law expeditiously. The parties shall appear before the learned Magistrate on 2/1/2007 to continue the proceedings.

Nan/ **(R. BASANT, JUDGE)**